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Committee on the Rights of the Child
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Consideration of reports of States parties

List of issues in relation to the report submitted by Cambodia under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Addendum

Replies of Cambodia to the list of issues*

[Date received: 28 November 2014]

Question 1
Please provide statistical data, disaggregated by sex, age, urban and rural residence, national origin and socioeconomic background, from 2011 onwards, on:

(a) Report on sales of children, disaggregated by sale for purposes of sexual exploitation, transfer of organs for profit, forced labour, child prostitution, child pornography and child sex tourism, together with information on the action taken in response to the reports, in particular prosecutions brought and penalties imposed;

(b) The number of children offered, delivered or accepted by whatever means for the purpose of prostitution, engagement in forced labour, illegal adoption, organ transfer or pornography, and information on the action taken in response, in particular prosecutions brought and penalties imposed;

(c) The number of child victims who have been given assistance with reintegration or compensation.

* The present document is being issued without formal editing.

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Answer (a) + (b)

1. There were six illegal cases of bringing minors out in 2011, a figure that increased to 19 cases in 2012 and fell to only four cases in 2013. In total, there were 29 of offences, with 30 minor victims recorded in data of the Ministry of Justice. The perpetrators were sentenced to imprisonment for less than or equal to 5 years to 15 years (see table 1).

Table 1
Illegal cases of bringing minor out

			Sentence to imprisonment		
Year	*Number of offences*	*Number of minor victims*	*≤ 5 years*	*>5-≤15 years*	*>15-≤30 years*
2011	6	7	2	2	0
2012	19	19	12	5	0
2013	4	4	1	9	0

Source: Ministry of Justice.

2. For the offence in relation to sexual intercourse with minors who are aged less than 15 years old, there was a total of 86 cases occurred 2011-2013. Noticeably, the offences fell to 13 cases in 2013. A total of 54 offenders were sentenced to less than or equal to 5 years, and 14 offenders were sentenced from 5 to 15 years (see table 2).

Table 2
Sexual intercourse with minor ages less than 15 years old

			Sentence to imprisonment		
Year	*Number of offences*	*Number of minor victims*	*≤ 5 years*	*>5-≤15 years*	*>15-≤30 years*
2011	36	42	22	4	0
2012	37	46	23	8	0
2013	13	18	9	2	0

Source: Ministry of Justice.

3. For the offence of pornography against a minor under 15, it was shown that a total of 24 cases occurred from 2011 to 2013, with the total of 45 minor victims. A total of 20 offenders were sentenced to less than or equal to 5 years, and 1 offender was sentenced from 5 to 15 years. The numbers of offences fell to five cases in 2013 (see table 3).

Table 3
Pornography against minors under the age of 15

			Sentence to imprisonment		
Year	*Number of offences*	*Number of minor victims*	*≤ 5 years*	*>5-≤15 years*	*>15-≤30 years*
2011	8	17	6	0	0
2012	11	24	10	0	0
2013	5	4	4	1	0

Source: Ministry of Justice.

4. For the offence of purchase of child prostitution, there was a total of 12 cases from 2011-2013, with the total of 19 minor victims. Seven offenders were sentenced to less than or equal to 5 years, while four offenders were sentenced from 5 to 15 years. The numbers of offences fell to two cases in 2013 (see table 4).

Table 4
Purchase of child prostitution

			Sentence to imprisonment		
Year	*Number of offences*	*Number of minor victims*	*≤ 5 years*	*>5-≤15 years*	*>15-≤30 years*
2011	6	8	3	3	0
2012	4	9	2	1	0
2013	2	2	2	0	0

Source: Ministry of Justice.

5. Only one case for the offence of soliciting child prostitution occurred in 2011, and one offender was sentenced from 5 to 15 years. No case occurred in 2012 and 2013 (see table 5).

Table 5
Solicitation for child prostitution

			Sentence to imprisonment		
Year	*Number of offences*	*Number of minor victims*	*≤ 5 years*	*>5-≤15 years*	*>15-≤30 years*
2011	1	1	0	1	0
2012	0	0	0	0	0
2013	0	0	0	0	0

Source: Ministry of Justice.

6. For the procurement of child prostitution, there was a total of six cases from 2011 to 2013, with the total of 13 minor victims. No offender was sentenced to less than or equal to 5 years, while nine offenders were sentenced from 5 to 15 years. The numbers of offences were stable for all three years (see table 6).

Table 6
Procurement with regard to child prostitutions

			Sentence to imprisonment		
Year	*Number of offences*	*Number of minor victims*	*≤ 5 years*	*>5-≤15 years*	*>15-≤30 years*
2011	2	2	0	2	0
2012	2	2	0	3	0
2013	2	9	0	4	0

Source: Ministry of Justice.

7. For child pornography, there was a total of three cases from 2011 to 2013, with the total of seven minor victims. Two offenders were sentenced to less than or equal to 5 years,

and one offender was sentenced from 5 to 15 years. The number of offences rose from one to two cases in 2013 (see table 7).

Table 7
Child pornography

			Sentence to imprisonment		
Year	*Number of offences*	*Number of minor victims*	*≤ 5 years*	*>5-≤15 years*	*>15-≤30 years*
2011	1	3	0	1	0
2012	0	0	0	0	0
2013	2	4	2	0	0

Source: Ministry of Justice.

8. There was a total of two cases for the offence of the sale of children in 2012 and 2013. Two offenders were sentenced to less than or equal to 5 years, and no offender was sentenced from 5 to 15 years. The number of offences had no increase in 2012 and 2013 (see table 8).

Table 8
Sale of children

			Sentence to imprisonment		
Year	*Number of offences*	*Number of minor victims*	*≤ 5 years*	*>5-≤15 years*	*>15-≤30 years*
2011	0	0	0	0	0
2012	1	1	1	0	0
2013	1	1	1	0	0

Source: Ministry of Justice.

9. Only one case for the offence of provision of premises for prostitution occurred in 2012, and one offender was sentenced to less than or equal to 5 years in 2012. No case occurred in 2011 and 2013 (see table 9).

Table 9
Provision of premises for prostitution

			Sentence to imprisonment		
Year	*Number of offences*	*Number of minor victims*	*≤ 5 years*	*>5-≤15 years*	*>15-≤30 years*
2011	0	0	0	0	0
2012	1	1	1	0	0
2013	0	0	0	0	0

10. With regard to accusations filed with the court and sentencing for child sex tourism, reference is made to article 68 of the Law on Tourism, which stipulates that: "Either tourist or leisure travellers, who violates article 50 of this Law shall be guilty of an offence and subject to a nullification of entry-visa and shall be expelled or may be banned from being present in the tourist destinations in the Kingdom of Cambodia for a specified period of time not exceeding 5 (five) years or permanently". In this regard, the perpetrator shall be

sent to the court for sentencing according to the actual act committed in accordance with the law.[1]

Answer (c)

1. *Statistics of children to be reintegrated to their communities*

	Children	
Year	*Total*	*Girls*
2011	10,589 children	4,481 children
2012	324 children	74 children
2013	N/A	N/A

Source: Department of Anti-Human Trafficking and Reintegration, Ministry of Social Affairs, Veterans and Youth Rehabilitation.

Note: The number of children indicated above were collected from 20 municipality provinces.

2. *Monitoring work*

11. In 2011, 584 children (388 girls) were carefully monitored, including 85 orphans, 69 children of violence, 94 children of sex trafficking, 95 children of illicit drugs, 9 children with disabilities, 1 child of abuse, 52 children of labour trafficking, 71 children living with AIDS, 24 children in street conditions and 136 children who had been reintegrated into their communities in eight provinces and municipalities.

12. Furthermore, in 2012, 237 children were closely monitored.[2] They included orphans, violated children, victims of sex trafficking, illicit drugs, children with disabilities, victims of sexual abuse, child labour trafficking, children in conflict with the law. The children had been reintegrated into their communities and families in the eight municipality provinces of Phnom Penh, Kompong Thom, Siem Reap, Kompong Speu, Svay Rieng, Prey Veng, Battambang and Banteay Meanchey.

Question 2

In view of the information provided in paragraph 13 of the report (CRC/C/OPSC/KHM/1), please clarify whether the State party envisages establishing a comprehensive database covering all areas of the Optional Protocol to systematically collect, analyse and evaluate disaggregated data and other information on the sale of children, child prostitution and child pornography, and on the implementation of the Optional Protocol at the capital and provincial levels.

Answer

13. The Ministry of Interior's Department of Anti-Human Trafficking and Juvenile Protection has a data information system on the suppression of perpetrators, rescue of victims, children of trafficking and abuse and of other cases in relation to the trafficking issue. The Ministry of Justice has a data system on the sentence cases. The Department of Anti-Human Trafficking of the Ministry of Social Affairs, Veterans and Youth Rehabilitation has a data system on victims and reintegration (manually). These data

[1] *Source*: Ministry of Tourism.

[2] *Source*: Department of Anti-Human Trafficking and Reintegration, Ministry of Social Affairs, Veterans and Youth Rehabilitation.

systems are separated and not systematic, owing to a lack of human resources, and technical and financial support for its function. These data systems are gathered at the national level and they have yet to be accessed at municipality provincial and municipality levels. The purpose of the National Committee on Counter Trafficking in Persons is to gather these data systems and make them a consolidated one linking one another.

Question 3

Please provide information on the measures taken by the State party to harmonize all its legislation, including the Law on Suppression of Human Trafficking and Sexual Exploitation 2008, and bring it into full conformity with the Optional Protocol. Please clarify whether the sale of children, in particular the sale of children for the purpose of illegal adoption and for engagement in forced labour, is defined and prohibited under the national legislation in accordance with articles 2 (a) and 3, paragraph 1 (a), of the Optional Protocol.

Answer

14. The Law on Suppression of Human Trafficking and Sexual Exploitation in 2008 clearly stipulates that its objective is to suppress the acts of human trafficking and sexual exploitation, which is a kind of evident offence. Despite the fact that a number of provisions of this law are in line with those of Penal Code, the principles for enforcement and enforcers are specified according to clear objectives and principles for law enforcement which are conditions for harmonization of Cambodian laws.

15. The Law on Suppression of Human Trafficking and Sexual Exploitation in 2008 is wholly consistent with to the Optional Protocol in terms of both content, matters and implementation, as stated in the object of the article 1 that, "The objective of this law is to suppress the acts of human trafficking and sexual exploitation in order to protect the rights and dignity of human beings, to improve the health and welfare of citizens, to preserve and enhance good national customs, and to implement the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, or other international instruments or agreements with regard to human trafficking that the Kingdom of Cambodia has ratified or signed".

16. Cambodia ratified the Convention on the Rights of the Child in 1992 and Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2002, all of which are international instruments as specified in the article 1 of the Law on Suppression of Human Trafficking and Sexual Exploitation in 2008.

17. The sale of children, in particular for the purpose of illegal adoption, and the engagement of the child in forced labour have been stipulated and prohibited and shall be subjected to punishment according to the 2008 Law on Suppression of Human Trafficking and Sexual Exploitation, including but not limited to article 10 (Unlawful Removal with Purpose); article 12 (Unlawful Recruitment for Exploitation); article 13 (Definition of the Act of Selling-Exchanging Human Being); article 15 (Act of Selling-Exchanging Human Being with Purpose) and article 19 (Receipt of Person with Purpose), all of which are in accordance with article 2 (A) and 3 (A) of the Optional Protocol on the sale of children, child prostitution and child pornography.

Question 4

Please provide information on the new National Plan of Action against Trafficking and Sexual Exploitation of Children mentioned in paragraph 70 (a) of the State party's report, its adoption and the practical steps taken to implement it. Please also

describe the outcome of any evaluation of the previous national plan. Please provide information on the measures taken to implement the Policy and Minimum Standards on Protection of the Rights of Victims of Trafficking.

Answer

18. The National Plan of Action on the Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation covers five strategies as follows:

- First strategy: To strengthen the implementation of policy and national and international cooperation, which has four cluster activities and 31 activities;
- Second strategy: To strengthen the prevention of human trafficking, and sexual and labour exploitation, which has seven cluster activities and 69 activities;
- Third strategy: The criminal justice, which has six cluster activities and 53 activities;
- Fourth strategy: To provide protection to victims (assistance for repatriation, rehabilitation, reintegration to the society), focusing particular attention to children, which has six cluster activities and 51 activities;
- Fifth strategy: To strengthen the monitoring and evaluation, which has two cluster activities and 14 activities.

19. The National Plan of Action on the Suppression Human Trafficking, Smuggling, Labour and Sexual Exploitation was adopted and promulgated on 7 December 2011 by the National Committee on Counter Trafficking in Persons.

20. The actions and measures have been taken to implement the above National Action Plan include:

- To share each strategy with ministries and line institutions to undertake responsibility for the implementation and determine the development partners and the relevant organizations to cooperate in the implementation;
- Each ministry's and line institution's working group or technical unit include the relevant strategies in the ministry's and institution's plans of action;
- At the local level, the National Committees on Counter Trafficking in Persons in the municipality and provinces have put those strategic plans in the implementation of practical plans of action in each of their localities;
- The National General Secretariat of the National Committee on Counter Trafficking in Persons has a duty to coordinate and monitor the implementation of a strategic plan of action and to review and consolidate the report on the outcome of the implementation of that strategic plan from the relevant ministries and institutions;
- Assessment of national plan of action: The National Plan of Action has not been holistically implemented owing to insufficient human resources and limited capacity, insufficient means and budget, and limited expertise, including knowledge of law and investigation techniques.

21. The measures taken to implement the Policy and Minimum Standards for Protection of the Rights of Victim of Human Trafficking are as follows:

- Dissemination and trainings provided to social affairs officials, local and community service providers and focal points both at national and subnational levels;
- Endorsement and implementation of Prakas on the Minimum Standards for Care of Victim of Human Trafficking and Sexual Exploitation at the centre, and endorsement and the implementation of Guideline for Identification and Referral of

Victim of Human Trafficking and Sexual Exploitation, and the Principle on Monitoring Tools and Assessment of Implementation of the Policy and Minimum Standards for Protection of the Rights of Victim of Human Trafficking since 2010;

- Performance of on-site inspection to the residential and rehabilitation centres and monitoring and appraising the programme implementers;
- Cooperation with the relevant ministries and institutions, both national and international organizations, in intervening and rescue victims, accept and refer them to psycho-social, counselling, health, rehabilitation and vocational skill training services at various centres;
- Search and assess families for reintegration and to follow up the victims of human trafficking.[3]

Question 5

Please provide updated information on the steps taken by the State party to prevent the offences covered in the Optional Protocol and to address their root causes, in particular poverty, lack of access to education and domestic violence.

Answer

22. The measures taken to prevent offences include, but are not limited to, the following:

- Determination of target areas and vulnerable groups, study and understanding of the communities where migration occurs, determination of awareness among the communities of human trafficking, and collection of information on the extent of relationship between family and vulnerability;
- Raising awareness of danger of human trafficking, training of trainers in strategies for prevention of children from sexual trafficking and labour exploitation;
- Conducting a research study to prepare procedures for monitoring of children employed to do housework (or domestic worker);
- Designing a system for assessment of awareness of the rights of the child;
- Designing a system for assessment of prevention strategy and developing a tool used in the controlling, monitoring and assessment of the prevention;
- Setting up a watch-dog and reporting system, improving household income programme, including activities against human trafficking in the community to a decentralization and deconcentration project;
- Mainstreaming a programme on raising awareness of child safe tourism within schools, producing educational materials, producing and broadcasting short educational spots, and making a list for monitoring perpetrators on the target;
- Launching a campaign aimed at raising awareness of need of human trafficking and sexual exploitation, and a pilot programme aimed at preventing c' ld violence;
- Training on monitoring related to the case registration to strengthen the effectiveness of registration and also following up the action taken on the cases or complaints resolution through the beginning stage until the end of the procedure;

[3] *Source:* Ministry of Social Affairs, Veterans and Youth Rehabilitation.

- Strengthen and expand the hot-line in responding to violence against children in Cambodia by ensuring those hot-lines networks are fully functioning, with the cooperation of the officials of National General Police Commission (hot-line no. 117 and 118 for the National General Police Commission, and No. 023 997 919, 1288 for Department of Anti-Human Trafficking and Juvenile Protection).

23. Measures taken to reduce poverty:

- The National Social Protection Strategy for the Poor and Vulnerable;
- Strategic Plan of the Ministry of Health Provision of Land Title Certificates to people;
- Increasing yields of rice and crops of all kinds by way of using varieties of high yield, crop growing, and crop diversification;
- Marketing of fish resources;
- People relying on forest are encouraged to relocate with the aim of accepting new occupations;
- Implementing industrial development policy that reflects importance of technology and sharpening skills of workers for promotion of industrial sector. Cambodia has diversified the footwear production and the instalment of small-scale electrical equipment, from which many employments are created;
- Investment in infrastructure and human resources;
- Expansion of coverage of cash remittance project in partnership with development partners;
- Increasing the provision of equity certificates to provide identify for poor people;
- Promotion of health, nutrition, rural development and social protection. (Source: N.S.D.P 2014-2018)

24. Measures taken to prevent lack of access to education:

- Increasing the enrolment for household and community education programmes together with training programmes for mother group and community kindergarten teacher;
- Expanding the scholarship and nutrition programme, accelerating the education and reenrolment programme through non-formal education, increasing the integration of integrated education at all education levels, and reducing the gender gap as well as paying attention to promoting the completion of study at lower secondary school;
- Increasing number of schools, deploying quality teachers and encouraging teachers and students;
- Dissemination aimed at encouraging parents to send their children of school age to attend school, including disadvantaged group, such as children with disabilities, children belonging to minorities and child workers.

25. Measures taken to prevent domestic violence:

- Cambodia adopted the Law on the Prevention of Domestic Violence and Protection of Victims in 2005. This law has the objective to prevent domestic violence in Cambodia and to provide support in a prompt and effective manner to victims, as well as to avoid the occurrence of incidents and minimize the risk of rights violation, aimed at enabling the engagement in intervention prior to the occurrence of any rights violation. Article 3 of this law stipulates that "Domestic violence is required

to be prevented in an effective manner and that it is required to take the most appropriate measures in order to protect the victims or the persons who could be vulnerable";

- Disseminated the Law on the Prevention of Domestic Violence and Protection of Victims so that the general public widely understand the provisions of this law and means of dispute resolution based on non-violent and peaceable act;
- Set out the Village-Commune Safety Police with a view to determining the prevention of the act of rape, domestic violence and human trafficking, which is a priority to be carried out by the commune, Sangkat, district, Khan, municipality and provincial councils;
- Set out the National Plan of Action on Violence against Women and Neary Rattanak III Strategy (2009-2013) and promulgated the administrative mechanism and directives for effective implementation of legal frameworks so as to prevent women and children from violence and for improved access to justice by victims of all forms of violence, including domestic violence, rape, sexual assault in the workplace, human trafficking, sexual and labour exploitation;
- Provided life skills training, education and care for children without subjecting them to violence;
- Incorporated the monitoring and evaluation in the national plan of action, such as Early Childhood Development, kindergarten at community and a positive education of how to raise, educate and take care of children;
- Publicized on televisions, radios, newspapers, posters and billboards about the rights of the child;
- Provided trainings at school to the board of directors, teachers and student on domestic violence;
- In October 2014, the Government set out its commitment to preventing and responding violence against children in Cambodia and took steps to develop National Plan of Action on Violence against Children in Cambodia.

Question 6

Please indicate what steps have been taken to ensure free birth registration for all children.

Answer

26. Measures have been taken to ensure the registration of birth certificates for children include, but are not limited to, the following:

- Government issued Subdecree No. 103 S.E. dated 29 December 2000, requiring parents to report the birth of their baby within 30 days to the registrar at the commune/Sangkat office of their permanent residence;
- The Ministry of Interior issued Directive No. 049, issued 30 June 2004, on Mobile Campaign for Registration of Vital Statistics in the whole country;
- Monitoring statistics work and registration at their respective offices at district/Khan and commune/Sangkat on a regular basis in the hope of dealing with challenges in a timely manner;
- Integrated content of outcomes of the implementation of statistics work and registration in the meetings of councils, governing board of municipality, provinces, districts, Khans, communes, Sangkat;

- Publicized and promoted registration work on radio and television aimed at raising awareness and implementation of this work in an effective way;
- The Ministry of Interior and the Ministry of Economy and Finance issued a joint Prakas setting an appropriate service fee for birth registration.

Question 7

In the light of the rapid growth in the number of "orphanages" and the phenomenon of "orphanage tourism" in the State party, please provide detailed information on the measures taken to prevent, and protect children from, sexual and other forms of exploitation in tourism. Please also elaborate on the measures taken to prosecute offenders from foreign countries who have set up children's orphanages and charities in the State party and sexually abuse children in such institutions.

Answer

27. The below measures have been taken to prevent and protect the children from the form of sexual exploitation or other forms of sexual exploitation in tourism and to condemn any foreigner perpetrators who have established an orphanage and charity centre in the State Party and subject the children to sexual abuse in those centres.

28. The Ministry of Social Affairs, Veterans and Youth Rehabilitation has:

- Implemented the Policy and Minimum Standard of Alternative Care for Children focusing on caring for children in the institution, childcare centre and caring for them in the household and community;
- Implemented the family reunification programme and placement of children to acquire development with their families, relatives and communities, and made every endeavour to seek good families or foster families for them before admitting them to childcare centres or providing local and inter-country adoption;
- Promoted and enhanced quality of caring for children in the State and organization centres, by means of conducting inspection of the childcare centre, and training the relevant persons in procedures for implementation of policy on alternative care for children, and organizations' employees in qualification of child safety organization;
- With regard to the implementation of this rule, the Ministry of Social Affairs, Veterans and Youth Rehabilitation has closed down 11 childcare centres on a suspicion of engagement in abuse of the rights of the child and compiled six case files to be submitted to the court to take action in accordance with the legal proceedings.[4]

29. The Ministry of Tourism has taken stringent measures to prevent and protect children from the form of sexual exploitation or other forms of sexual exploitation in tourism, including but not limited to the following:

- Disseminating, providing training and promoting the implementation of the Law on Tourism;
- Conducting research study on definition of "Child Sex Tourism" and "determination of type of offences in relation to child sex tourism";
- Promoting and strengthening the implementation of the laws relevant to child sexual exploitation;

[4] *Source*: Ministry of Social Affairs, Veterans and Youth Rehabilitation.

- Measures taken to condemn any perpetrator who has established an orphanage and charity centre and subjects the children to sexual abuse in the centre in accordance with the law. The accusation and condemnation for punishment rely on the act committed by the perpetrators included but not limited to rape, offence in relation to sexual intercourse with minors less than 15 years old, offence of purchase of child prostitution, offence of pornography against minors under the age of 15 or sexual assault.

30. In order to contribute to the prevention of any negative impact in tourism, in particular the prevention of child sexual exploitation in tourism, the Government of Cambodia has:

- Established the Child Safe Tourism Committee;
- Issued Subdecree No. 191 S.E., dated 29 May 2014, on the management of tourist entertainment centres for adults;
- Produced educational and promotional materials and distributed them to municipalities, provinces, business locations and tourist services, such as video spots, educational spots on radios, stickers, brochures, leaflets, small posters and large billboards, aimed at educating, disseminating and promoting the child safe tourism.[5]

Question 8

Please explain whether there is an independent mechanism, accessible by children, to receive and investigate complaints from or on behalf of children regarding violations of all rights covered under the Optional Protocol. If so, please provide information on the number of such complaints received and their outcome.

Answer

31. Presently, Cambodia has the court institution, which is an independent mechanism to which the children can access, accept and conduct investigation into the complaints from children or their representatives in relation to abuse of all right specified in the Optional Protocol.

32. At the same time, the Cambodian Human Rights Committee is an institution and auxiliary of the Government that helps the Government on the issues human rights, including children's rights. There are two main responsibilities among of its main duties of the Cambodian Human Rights Committee: to protect, promote and develop human rights and democracy in Cambodia, and monitor all cases abuses of human rights and complaints; and cooperate with the Cambodian National Council for Children and other human rights institutions of the Government to promote the sound development of human rights in each sector.

33. The Cambodian Human Rights Committee also accepts and resolves human rights issues within its jurisdiction. The Committee has conducted research for collecting information and evidences in relation to the abuse of human rights of all forms. The Committee has also conducted on-site monitoring and research as per the complaints, requested all disputed parties and relevant people, witnesses, to provide their confirmation, and encouraged dispute resolution in a way to bring about a compromise.

[5] *Source*: Ministry of Tourism.

34. So far, the Cambodian Human Rights Committee has never received any complaint, despite the fact that the Committee has right and duty to receive the complaints, however the complaints have been directly filed to the court.

35. Therefore, the Cambodian Human Rights Committee recommended that establishment of an independent child mechanism for protecting all rights of children should be an option.

36. Presently, the Government of Cambodia has considered establishing a National Independent Committee on Human Rights to serve as a mechanism to monitor all complaints in relation to abuse of human rights of all kinds, all targets including children.

Question 9

In the light of the information that many labour agents forges identity documents to recruit children, especially girls, as migrant domestic workers, and offer cash and food incentives to families to persuade them to send their children abroad, a practice that could amount to sale of children, please describe the measures taken by the State party to adopt a comprehensive law to strengthen the oversight of recruitment agencies, prevent the recruitment of children and prosecute labour agents responsible for such abuses.

Answer

37. The Government of Cambodia has monitored and set out strict conditions for labourer recruitment companies in which minors are not allowed to employ for work. The Ministry of Labour and Vocational Training has widely spread the dissemination to labour recruitment companies and the general public to have well awareness of recruitment procedures and protection of children from trafficking.

38. In order to strengthen the labourer recruitment companies for prevention of children recruitment and condemn the violating labourer companies, the Government has issued numerous provisions,[6] as the following:

- Letter No. 2144 MLVT/GDL, dated 18 May 2011, giving instructions to companies recruiting labourers to work in Thailand to stop announcement and recruitment of new labourers on a temporary basis;
- Prakas No. 210 MLVT/P, dated 4 October 2011, on the establishment of a working to deal with migrant workers.

39. The Government has issued:

- Subdecree No. 190 S.E, dated 17 August 2011, the purpose of which is to manage the overseas sending of Cambodian labourers, and its goal is to seek labour market and provide employment to Cambodian labourers overseas, promote livelihood of Cambodian citizens, ensure the safety of Cambodian labourers who work overseas, contribute to the promotion of development of human resources and to the implementation of policy of the Government of Cambodia on poverty reduction.
- Prakas No. 045/13 MLVT/P, dated 13 February 2013, on Use of Key Terms for the purpose of current search for oversea recruitment service, current search for overseas employment by those who wish or are in search of overseas employment who receive treatment of any kind from the private recruitment agency, including

[6] *Source*: The National Report on Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation of Women and Children 2013 and Action Plan for 2014.

the treatment providing both benefit and loss of interest resulting in any danger to them.

- Prakas No. 056/13 MLVT/P, dated 13 February 2013, on the recruitment process and orientation of labourers prior to departure, which set out conditions for the private recruitment agency to properly process the recruitment and provide orientation to Cambodian labourers before their departures for overseas employment so as to ensure that individual labourer engages in any legal work and have physical fitness, and that the labourers are well aware of their duties, rights, benefits, work formalities, work disciplines, working skills, languages, workplaces, ways of living, law, custom, tradition of the country receiving the labourers, and so forth.

- Prakas No. 047/13 MLVT/P, dated 13 February, on private recruitment agencies, which authorize individual private legal entities to act as private recruitment agencies to recruit, train, orient, send and manage Cambodian labourers who work overseas through Prakas issued by the Ministry of Labour and Vocational Training. The authorization to act as a private recruitment agency is granted only to any company concerned having submitted its application, and it shall not be entitled to enter into a contract to sell any part of its Prakas to any individual or company.

- Prakas No. 249 MLVT/P, dated 23 September 2013, on the mechanism to accept complaints from migrant labourers, which is an institution responsible for accepting and resolving complaints in relation to migrant labourers. The mechanism has been established within the Department of Occupation and Manual Work, the Ministry of Labour and Vocational Training, and within Municipality and Provincial Departments of Labour and Vocational Training.

- Prakas No. 250 MLVT/P, dated 23 September 2013, with which the Ministry of Labour and Vocational Training has determined that the inspection of the private recruitment agency shall be carried out to ensure effective implementation of laws and provisions applicable to the management of sending Cambodian labourers to work overseas.

- Prakas No. 351 MLVT/P, dated 23 September 2013, on the commendation and fine imposed on the private recruitment agency, in which the process of commendation is determined and the fine imposed to the private recruitment agency for the management and sending of Cambodian worker to overseas.

- Prakas No. 252 MLVT/P, dated 23 September 2013, on the services of the private recruitment agency at workplace and repatriation, which determine obligations to provide services by the private recruitment agency at workplace and repatriation, aimed at enhancing effectiveness of the follow-up of coordination, resolution to various matters in relation to work conditions and living conditions, health condition and other breaches, the searching and notification with regard to disappearance of labourers who have been placed to work overseas and preparation of repatriation of labourers.

- Prakas No. 253 MLVT/P, dated 23 September 2013, on the promulgation of the minimum standard and contract on overseas recruitment service, aimed at ensuring the effective implementation of Subdecree No. 190 S.E, dated 17 August 2011, on the management and sending of Cambodian labourers to work overseas through the recruitment agency, the private recruitment agency.

- Guideline No. 101 G, dated 5 July 2013, on the management of labour force and movement of Cambodian migrant labourers.

40. In the meantime, in 2013, the Government of Cambodia prevented and rescued 125 minors before providing trainings for migration for work.[7]

Question 10

Please provide further information on measures to combat sexual exploitation of children, including children working and living in street situations and those working in nightclubs, Karaoke parlours and "beer gardens", and to ensure that the investigation and prosecution of such cases are expedited. Please also indicate what further steps have been taken to combat child pornography and sex tourism and to effectively prosecute offenders.

Answer

41. With regard to the measures taken to fight against the sexual exploitation of children, including street children and children at other places, investigations are always conducted, accusations are made and condemnation is expressed regarding to the aforesaid cases.

42. In order to contribute to the implementation of measures taken to fight against child sexual exploitation in tourism, the Ministry of Tourism, has drawn up:

- Law on Tourism, promulgated by Royal Kram No. NS/RK/0609/007, dated 10 June 2009, covered by Chapter 12 and article 77;
- Subdecree on the Management of Tourism Entertainment Centres for Adults, dated 29 May 2014;
- Prakas and Directive Circular on the Management of Tourism Industry.

43. In the meantime, the ministry has set out administrative measures, and announced that it would postpone and withhold tourism licenses of any tourism business operations failing to abide by the directive and the Law on Tourism, in cooperation with the municipality and provincial authorities in the whole country, and the perpetrators engaged in above act shall be sent to the court for condemnation in accordance with the law.

Question 11

Please explain the measures taken to combat child pornography on the Internet and the availability of such materials for sale in various markets or for downloading and viewing on mobile phones from Internet shops. Please indicate whether the State party requires Internet service providers and telephone service providers to report the detection on their networks of pornographic sites involving children and to provide information to law enforcement officials about persons who distribute child pornography and related content.

Answer

44. The Ministry of Posts and Telecommunications has taken measures to fight against the publication and distribution of child pornography on Internet or telephone, as follows:

- Issued Prakas No. 179 P.MPT, dated 18 September 2000, on licenses for business operations of Internet service hall, in which the owner of an Internet café business is advised to enter into contract not to operate the business and use pornographic website at their Internet service location;

[7] *Source*: The National Report on Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation of Women and Children 2013 and Action Plan for 2014.

- Continued to promote and strengthen the prevention of distribution of child pornography on Internet and mobile phone, as well as continued the dissemination of elimination of pornography of any kind on Internet and mobile phone in other provinces;
- Strengthened the technical system for prevention of any pornography in jurisdiction of the ministry;
- Closely cooperated with the ministries, institutions and other development partners in preventing the immoral conduct towards children;
- Sought support for the adoption of the Law on Telecommunications;
- Conducted research study to search for high modern technology tools for monitoring and preventing the pornography on Internet, mobile phone and social media;
- Condemned those who distribute pornography in accordance with the law in force.

45. The Ministry of Information has set out the measures and taken actions to fight against the act of pornography or child pornography on media, airwaves such as radio, television, newspapers, magazines and modern technology media networks, included but not limited to the following:

- Producing short educational spots aimed at enabling public audiences to understand absolute objection to child-related pornography, in which it is shown that the perpetrator are condemned in accordance with the law in force;
- Having prohibited the publication of acts of violence, cruelty, trafficking, labour exploitation and exhibition of child pornography through media networks such as television, newspapers, magazines and modern media.

46. The Cambodia National Council for Children and the Ministry of Social Affairs, Veterans and Youth Rehabilitation have been preparing a draft of Subdecree and Code of Conduct on Child Protection, with a view to (a) the protection of child rights and child welfare, people working on children and each unit by reducing risks while they are fulfilling their work; (b) setting out of basic procedures to be carried out at institutions or units fulfilling their work either directly or indirectly with children, both State institutions and non-governmental organizations; (c) deduction and prevention of any danger and risk exposed to children resulting from abuse, exploitation and exclusion.

47. The drafts of Subdecree and Code of Conduct on Child Protection has been also included the prohibition from the use of child pornography.

Question 12

In the light of the small number of prosecutions and convictions of traffickers in the State party, please explain the steps taken by the State party to implement the Committee's previous recommendations that it intensify its efforts to prosecute and convict offenders.

Answer

48. The small number of accusations and condemnations of human traffickers is not because no effort has been put in place by the competent authority. The small number positively reflects the tremendous efforts of the competent authorities and their commitments and efforts on law enforcement and many other activities to have the offences

of the trafficking decrease dramatically, so that the accusation and condemnation have been seen in a small amount.[8]

Question 13
Please inform the Committee whether the State party can establish and exercise extraterritorial jurisdiction over all offences under the Optional Protocol.

Answer

49. All offences under the Optional Protocol on sale of children, child prostitution and child pornography, have been included in the Law on Suppression of Human Trafficking and Sexual Exploitation 2008, in which the general provision determines the jurisdiction outside the territory as stipulated in article 3 "Application of this Law outside the Territory" that "This law shall apply to any felonies or misdemeanours committed outside the territory of Cambodia by a Khmer citizen. This law shall apply to any felonies or misdemeanours committed outside the territory of Cambodia by a foreigner if the victim is a Khmer citizen at the time of commission of the offence.

Question 14
Please also provide information on the number of requests for extradition for any of the offences referred to in the Optional Protocol that have been granted since the entry into force of the Optional Protocol in the State party, disaggregated by the nature of the offences. Please also indicate whether the State party has requested the extradition of any person accused of any of the offences referred to in the Optional Protocol.

Answer

50. Since the Optional Protocol has come into force, Cambodia had received one request for extradition in relation to the offence stipulated in the Optional Protocol. Cambodia received requests and extradited, upon request, numbers of foreigners engaged in offences under the Optional Protocol as well.

Question 15
Please indicate what measures have been taken to increase the number of trained social workers and improve infrastructure at the local level.

Answer

51. The Ministry of Social Affairs, Veterans and Youth Rehabilitation has strengthened and expanded activities of the National Institute of Social Affairs, aimed at training human resources of State institutions, private sector and the relevant national and international non-governmental organizations. The institution has trained 179 students at higher education who study social affairs, sociology, artificial and secondary engineering and social protection.

52. In 2013 and 2014, the Ministry of Social Affairs, Veterans and Youth Rehabilitation has provided trainings and built capacity of 1,937 officials from the municipal and provincial levels in procedures for the implementation of the policy on alternative care of children, procedure for case management, adoption and unification of children leaving the centres to their families and communities, and issued decision on the establishment of a committee for case management and unification of children leaving the centres to their

[8] *Source*: Ministry of Justice.

families and communities in Siem Reap province, and then will do the same actions other provinces. In the meantime, the National Multisectoral Task Force on Orphans and Vulnerable Children has continued to disseminate the standard and guideline, support and protection of orphans and vulnerable children to the officials of the relevant departments and relevant organizations, and Consultative Committee on Women's and Children's Affairs at provincial and district levels, and Commune Committees for Women and Children's Affairs in 14 provinces and municipality, aimed at raising awareness, engaging in identifying orphans and vulnerable children, and need of necessary services to be included in investment programme and development plan of communes/Sangkats, and strengthening the design of annual operation plan using the budget package of communes and Sangkats in line with the Directive No. 051 dated 14 July 2011, issued by the Ministry of Interior, on the implementation of functioning of the Committee for Woman and Children Affairs of communes/Sangkats for the implementation of social sections in relation to maternal health and kindergarten.

53. The Ministry of Social Affairs, Veterans and Youth Rehabilitation has actively implemented the reform programmes of the Government, including decentralization and deconcentration reform programmes, in which a research study has been conducted to determine the function and resources of the ministry to be transferred to subnational administration according to pilot steps in 2014.[9]

Question 16

Please inform the Committee about the measures to develop holistic and victim-centred methods to identify child victims of sale, child prostitution and child pornography. Please also elaborate on the measures taken to protect the rights and interests, including right to privacy, of child victims and witnesses of crimes under the Optional Protocol at all stages of criminal proceedings.

Answer

54. The Ministry of Social Affairs, Veterans and Youth Rehabilitation has been preparing a draft guideline for identification and referral of victims of human trafficking and sexual exploitation, including detailed form for identification of victims of human trafficking and quick interview form for identification of victims of human trafficking. The draft of guideline has been implemented for pilot in five municipality and provinces, including Phnom Penh, Kompong Cham, Svay Rieng, Banteay Meanchey and Siem Reap, and 10 centres of non-governmental organizations.

55. The Ministry has issued the minimum standard of care of victims of human trafficking and sexual exploitation who are living in the centres for the purpose of determining the conditions for establishment and management of centres and care of victims of human trafficking and sexual exploitation who are living in the centres in Cambodia.

56. In the meantime, the Ministry has prepared a draft monitoring tool and assessment of the implementation of the policy on the minimum standard of protection of rights of victims of human trafficking, for which two pilot trainings were held in Siem Reap.[10]

57. Measures taken to protect the rights and benefits, including the privacy of children victims and children witness to crimes under the Optional Protocol in all stages of criminal proceedings as such:

[9] *Source*: Ministry of Social Affairs, Veterans and Youth Rehabilitation.
[10] *Source*: Ministry of Social Affairs, Veterans and Youth Rehabilitation.

- Producing a video film, explaining, advising, educating the victim children/children bearing witness to understand the functions of competent authorities in the process of criminal proceedings;
- The interview is conducted in a child-friendly way, for which the relevant competent authorities have been trained in the methods of interview included but not limited to judicial police officials, prosecutors and judges;
- Using a barrier in the hearing in order for the child victim to see or meet the perpetrator in person. The Ministry of Justice has provided barriers to all municipality and provincial courts. In addition, five courts have been equipped with Video Conference for the hearing in of Kandal, Preah Sihanouk, Siem Reap, Battambang and Banteay Meanchey provinces;
- The process of hearing can be conducted in public in order to protect the privacy of the child victim;
- It is prohibited to disclose the identification of victims as specified in article 49 of the Law on Suppression of Human Trafficking and Sexual Exploitation in 2008.[11]

Question 17

Please provide information on the measures taken by the State party to expand specialized care, family and community-based rehabilitation and social reintegration programmes for child victims of sale, child prostitution and pornography. Please also provide further information on the human, financial and technical resources allocated to the implementation of such programmes and on the extent to which such services exist at the district and municipal levels.

Answer

58. Cambodia has yet to have a programme for care and rehabilitation of victims of human trafficking in the community and household care. The care of victims of human trafficking in the community has been taken by the social affairs officials and employees of the non-governmental organizations who have followed up the victims in order to monitor the progress of victims. The victims can voluntarily accept medical, psychological, financial and rehabilitation services in the centres before reintegrating them to their communities in compliance with the policy of the minimum standard of the protection of the rights of victims of human trafficking.

59. Human resources, technique and finance have been strengthened and expanded by the Ministry of Social Affairs, Veterans and Youth Rehabilitation through the recruitment of new government officials, the provision of trainings in human resources, the dissemination of policy of the minimum standard of the protection of the rights of victims of human trafficking and minimum standard of care of victims of human trafficking and sexual exploitation who are living in the centres to the relevant people and increase of budget package of 10 per cent on an annual basis.[12]

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[11] *Source*: Ministry of Justice.

[12] *Source*: Ministry of Social Affairs, Veterans and Youth Rehabilitation.